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COMMITTEE ON RELATIONS WITH
THE HOST COUNTRY

LETTER DATED 7 NOVEMBER 1994 FROM THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL, AND REPRESENTATIVE OF THE UNITED STATES ON THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY, ADDRESSED TO THE CHAIRMAN OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

I hereby request that the enclosed note verbale No. HC-76-94 dated 20 October 1994, addressed to the Permanent Mission of Cuba to the United Nations, be circulated as a document of the Committee on Relations with the Host Country.

(Signed) Victor MARRERO

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ANNEX

Note verbale dated 20 October 1994 from the United States Mission to the United Nations addressed to the Permanent Mission of Cuba to the United Nations

The United States Mission to the United Nations presents its compliments to the Permanent Mission of Cuba to the United Nations and refers to the Permanent Mission's notes verbales Nos. 551 and 556 of 30 August 1994 relating to incidents that took place that day in the vicinity of the Permanent Mission.

The United States Mission regrets the violent actions directed at the Permanent Mission of Cuba on 30 August 1994. The United States Government condemns any and all acts which violate the premises of diplomatic missions and/or the personal and physical security of mission personnel. It remains fully committed to provide the necessary protection required to ensure the safety and security of diplomatic personnel and property.

The United States Government must none the less strongly protest the unacceptable behaviour of certain diplomatic members of the Permanent Mission of Cuba who decided on 30 August to take direct action against both demonstrators and members of the New York Police Department. The United States Mission can only reiterate to the Permanent Mission of Cuba and its staff that the United States Government and the City of New York cannot and will not tolerate such violence on the part of diplomatic agents or any interference by such persons with local and Federal law enforcement personnel.

In its note verbale No. 556, the Permanent Mission of Cuba asserts that the police officer on guard in front of the Mission took no action when demonstrators advanced on the Permanent Mission's property. This is not true. Police reports, corroborated by several eyewitnesses and a videotape of the incident, show that police reinforcements arrived immediately after the onset of the incident. The Permanent Mission's note verbale further states that certain police officers tried to prevent the Cuban diplomatic officials from defending themselves and also provoked, insulted and beat them. The United States Government rejects these unwarranted allegations as well. The subsequent investigation of the events, again corroborated by both eyewitnesses and videotape, shows that the New York Police exercised remarkable restraint in the light of the shocking interference and physical abuse on the part of Cuban diplomats against uniformed police officers on the scene to protect the Permanent Mission and to restore order.

The four diplomatic officers from the Permanent Mission of Cuba who were apprehended on 30 August were released by the New York Police as soon as the United States Department of State became aware of the detention. However, had members of the Permanent Mission involved in the altercation not enjoyed full diplomatic privileges and immunities, they would likely have faced serious charges, ranging from assaulting police officers to incitement to riot. Three of the demonstrators who provoked the events of 30 August currently face charges of disorderly conduct and/or felonious criminal trespass; their cases are being

processed by New York City authorities. It is possible that additional charges will be brought against these individuals as a result of ongoing investigations.

The United States Mission reiterates that the host country has the responsibility for protecting the security of diplomatic missions. In the light of these obligations, the local and Federal law enforcement authorities provide protective services to diplomatic missions and their officials commensurate with requirements at the time. These law enforcement authorities have long provided a high level of protection to the Permanent Mission of Cuba and its officials, including the high-level delegation which travelled to New York for the recent talks on migration. In view of this protection, the United States Government categorically rejects the Permanent Mission's unfounded insinuation in its note verbale No. 556 that the events of 30 August and the police reaction thereto demonstrate connivance against, or an attempt to disrupt, those discussions.

The United States Mission remains prepared to meet at any time with representatives of the Permanent Mission of Cuba and the appropriate law enforcement and protective authorities regarding the Permanent Mission's ongoing security. In this regard, it may be useful to note that the New York Police Department is now considering changes in procedures regarding recurrent demonstrations in the vicinity of the Permanent Mission.

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COMMITTEE ON RELATIONS WITH
THE HOST COUNTRY

LETTER DATED 9 NOVEMBER 1994 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

I have the honour kindly to request the circulation of the present letter and its annexes as an official document of the Committee on Relations with the Host Country.

(Signed) Bruno RODRIGUEZ PARRILLA

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ANNEX I

Note verbale dated 30 August 1994 from the Permanent Mission of Cuba to the United Nations addressed to the Permanent Mission of the United States of America to the United Nations

The Permanent Mission of Cuba to the United Nations presents its compliments to the Permanent Mission of the United States of America to the United Nations and wishes to refer to extremely serious incidents that took place at the entrance and in the vicinity of the Permanent Mission of Cuba to the United Nations at approximately midday today, 30 August 1994.

Approximately at the said time, a number of persons belonging to a terrorist group, the so-called "30 of November", made up of citizens of Cuban origin, attempted to storm the Permanent Mission of Cuba to the United Nations and, not being able to do so, chained and padlocked the entrance to the Permanent Mission of Cuba to the United Nations, thus preventing entry and exit of persons to the premises of the Mission. At the same time, they surrounded the Permanent Mission of Cuba to the United Nations and started kicking at the glass doors of the entrance of the building occupied by the Mission at 315 Lexington Avenue.

The police officer on guard at the corner of 38th Street and Lexington Avenue did not take any action to prevent those developments from taking place.

In view of the situation, several diplomatic officials of the Permanent Mission of Cuba to the United Nations exited through a garage door on 38th Street in order to assess what was happening and were immediately attacked by the demonstrators.

At that point, a number of police officers arrived in the area, cordoning it, and, astoundingly enough, tried to prevent the Cuban diplomatic officials from defending themselves, and even, on occasion, holding them while they were being beaten by the so-called demonstrators.

At the same time, said police officers were, in most cases, insulting, provoking and even beating the officials from the Permanent Mission of Cuba who were defending themselves and defending the premises of the Mission.

Some Cuban Mission personnel, in the face of the slowness and passivity of the police, were forced to resort to working instruments in order to cut off the chain which prevented the entry to or exit from the Mission building to diplomats and visitors.

Even more amazingly, as things subsided, four Cuban officials were arrested. These were Mr. Edmundo Suárez, Mr. Fernando García, Mr. Jesús Milián and Mr. Saúl Hermida. Even Mr. Edmundo Suárez, Counsellor at the Permanent Mission of Cuba to the United Nations, was arrested for protesting the forcible restraint and beating of a Cuban official by police officers of the New York Police Department.

For approximately two hours, our diplomats were not only illegally arrested, but also mistreated and humiliated by the police, which hurled insults against them, threatened them and even performed obscene acts against them, all of which is a violation of the diplomatic immunity that the Police Department of the City of New York is supposed to protect and respect, considering New York City's position as host to foreign diplomatic missions.

The Permanent Mission of Cuba, while lodging strong protest before the Permanent Mission of the United States of America to the United Nations, wishes to remind the relevant authorities that the protection of diplomatic premises is the duty and obligation of the Government of the United States of America in its capacity as host of the United Nations. The duty of police officers must be that of preventing diplomats and Permanent Missions from being attacked by whatever means, not that of being the ones to attack, insult and provoke diplomatic officials.

The Permanent Mission of Cuba to the United Nations wonders if this violent act against the Cuban Mission is a deliberate attempt by certain persons or organizations to disrupt conversations to be held in New York by the Governments of Cuba and the United States of America next Thursday, 2 September, and also wonders if actions by certain police officers present on the scene are a demonstration of connivance between those officers and the said persons or organizations.

The Permanent Mission of Cuba, while strongly protesting once again against the illegal detention of four of its diplomatic officials and their brutalization by police officers of the New York Police Department, wishes to reiterate to the Permanent Mission of the United States of America to the United Nations that any and all consequences that may arise from the repetition of incidents such as these, are the sole responsibility of the Government of the United States and its lack of compliance with the duties and responsibilities it entered into as host of the United Nations.

ANNEX II

Note verbale dated 6 September 1994 from the Permanent Mission of Cuba to the United Nations to the Permanent Mission of the United States of America to the United Nations

The Permanent Mission of Cuba to the United Nations presents its compliments to the Permanent Mission of the United States of America to the United Nations and wishes, once again, to lodge its strongest protest before the Permanent Mission of the United States of America to the United Nations regarding new incidents that occurred in the vicinity of the Permanent Mission of Cuba to the United Nations on 5 September 1994.

Immediately after a new demonstration held by terrorist elements of Cuban origin during the afternoon of Monday, 5 September 1994, a group of them remained in the vicinity and faced the Permanent Mission of Cuba to the United Nations in a provocative and aggressive stance. Those persons not only insulted and threatened the officials of the Permanent Mission of Cuba leaving the building, but also threw objects at them and at the premises of the Permanent Mission of Cuba, including a bottle that entered the garage of the Mission, and another bottle hurled at the Head of the Cuban Interests Section in Washington, D.C., now visiting New York, while he entered the premises of the Permanent Mission of Cuba to the United Nations.

An official of the Permanent Mission of Cuba to the United Nations, Second Secretary Juan Antonio Fernández Palacios, was also threatened with physical violence as he left the premises of the Mission, of which the perpetrators of the threat even boasted in a television interview with Channel 47 "Telemundo" that they simultaneously were holding in front of the Cuban Permanent Mission.

The officers of the New York Police Department on duty in the surroundings of the Mission who witnessed this aggressive and provocative attitude, and to whom officials of the Mission protested regarding the very irregular and dangerous situation that was evolving, instead of immediately disbanding those persons, tried to prevent Cuban officials from leaving the premises of the Permanent Mission of Cuba to the United Nations arguing that their safety was at risk, thus failing once again to carry out their duty of protecting not only the integrity of a Permanent Mission to the United Nations and its personnel, but also of contributing to the normal development of its functions.

The Permanent Mission of Cuba to the United Nations wishes to remind the Permanent Mission of the United States of America to the United Nations once again that the Government of the United States, both at the federal and local levels, is obligated by the Host Country Agreement subscribed with the United Nations effectively to ensure that Permanent Missions of Member States of the United Nations can carry out their functions and duties without any hindrance whatsoever, and that their personnel are able to work in a safe environment.

The reiteration of incidents of this nature, of which the Permanent Mission of the United States of America to the United Nations has been duly informed, tends to confirm the much-advanced notion among a number of Permanent Missions

to the United Nations that the Organization would be better served if an increasing number of its bodies would be based elsewhere.

The Permanent Mission of Cuba to the United Nations wishes to call the attention once again of the Permanent Mission of the United States of America to tne United Nations to the fact that any consequences that may derive from the repetition of incidents such as these will be the sole responsibility of the Government of the United States of America, owing to its lack of compliance with its obligations as host country of the United Nations Headquarters.

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COMMITTEE ON RELATIONS WITH
THE HOST COUNTRY

LETTER DATED 9 NOVEMBER 1994 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

I have the honour kindly to request the circulation of the present letter and its annex as an official document of the Committee on Relations with the Host Country.

(Signed) Bruno RODRIGUEZ PARRILLA

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ANNEX

Note verbale dated 9 November 1994 from the Permanent Mission of Cuba to the United Nations addressed to the United States Mission to the United Nations

The Permanent Mission of Cuba to the United Nations presents its compliments to the United States Mission to the United Nations and has the honour to refer to note No. HC-76-94 of 20 October 1994 from the United States Mission to the United Nations, in response to notes Nos. 551 and 556 of 30 August 1994 from the Permanent Mission of Cuba to the United Nations, regarding the incidents which occurred on that date in the vicinity of the Permanent Mission of Cuba.

The Permanent Mission of Cuba to the United Nations notes that the United States Mission to the United Nations regrets the violent actions directed at the Permanent Mission of Cuba and states that the Government of the United States condemns all acts which violate the premises of diplomatic missions and/or the personal and physical security of mission personnel. Moreover, the Permanent Mission of Cuba also notes that the Government of the United States remains fully committed to providing the necessary protection required to ensure the safety and security of diplomatic personnel and property.

Nevertheless, the Permanent Mission of Cuba to the United Nations believes that, by virtue of the obligations emanating from the norms of international law and, in particular, from the international instruments addressing the security and protection of diplomatic missions as well as from the Host Country Agreement signed with the United Nations, the responsibilities of the United States authorities cannot be limited to condemning violent actions against the premises of diplomatic missions and/or the personal and physical security of mission personnel, but should be geared to the adoption of all appropriate preventive measures to avoid those actions, as well as to the punishment of those who commit such actions.

The Permanent Mission of Cuba to the United Nations has repeatedly informed the United States Mission of the actions that have been taking place in the vicinity of the Permanent Mission of Cuba, as well as against Cuban diplomatic officials and their families during the so-called "demonstrations" that are held facing the Permanent Mission of Cuba, including the provocative, disrespectful and threatening nature of actions carried out by those participating in the "demonstrations". The Permanent Mission of Cuba has also repeatedly called the attention of the United States Mission to the need for appropriate measures to put an end to such a situation, which continuously inconveniences the Permanent Mission of Cuba to the United Nations and affects the discharge of its diplomatic duties. The incidents which occurred on 30 August last, carried out by the terrorist group "30 de Noviembre", demonstrate once again the need to adopt the measures requested by the Permanent Mission of Cuba.

The Permanent Mission of Cuba completely disagrees with the views expressed by the United States Mission regarding the measures adopted by the Police both when the actions by the above-mentioned terrorist group were taking place, as

well as when they ended. The opinions of the Permanent Mission of Cuba are corroborated by the information provided by officers and other personnel of the Permanent Mission who witnessed the incident and by videotapes of what occurred.

The attempt to storm the Permanent Mission of Cuba and the chaining of the main door of the Mission by the terrorist group could have been avoided if the premises of the Mission had been adequately protected. The lack of appropriate measures by police officers compelled diplomatic officials and personnel of the Permanent Mission of Cuba to legitimately defend themselves against obviously aggressive acts against them.

The United States Mission evades in its note any reference to the treatment received by four diplomatic officials of the Permanent Mission of Cuba, who were handcuffed, held in police vehicles, mistreated and detained in the same premises as the terrorist elements who had attacked them for several hours, even after being duly identified as diplomatic officials.

The Permanent Mission of Cuba takes note of the indication by the United States Mission that the Police Department is considering changes in the procedures regarding the recurrent "demonstrations" in the vicinity of the Permanent Mission of Cuba to the United Nations, and expects that the host country will carry out these new measures regarding "demonstrations" as soon as possible, as well as measures regarding the protection and security of the premises and personnel of the Permanent Mission of Cuba to the United Nations, in avoidance of actions such as those occurring up to now.